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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/990,500

11/21/2001

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EXAMINER

DANIELS, ANTHONY J

ART UNIT

PAPER NUMBER

2622

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/990,500	<b>Applicant(s)</b> WASULA ET AL.	
	<b>Examiner</b> ANTHONY J. DANIELS	<b>Art Unit</b> 2622	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 April 2011.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 21-25,27,28,31 and 32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 21-25,27,28,31 and 32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)         | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)         | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 4/29/2011 has been entered.
2. Applicant's amendment to claim 27 has overcome the examiner's objection.

### ***Response to Arguments***

Applicant's arguments with respect to claim 25 and the Safai reference have been considered but are moot in view of the new ground(s) of rejection.

### ***Claim Rejections - 35 USC § 103***

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Art Unit: 2622

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 21-24,27,28 and 32 are rejected under 35 U.S.C. 102(e) as being anticipated by Safai (US # 6,167,469).

As to claim **21**, Safai teaches a method for transferring customized image files stored in a memory of a digital camera (Col. 12, Lines 63-67) to an external device (Col. 8, Lines 61-67; *{External device is the computer/server system for storing and accessing the email which contains the images.}*) having an external device database (Figure 6), using a camera database having at least one customizable profile containing a set of image utilization fields (Col. 12, 63-67; Col. 13, Lines 1-6), comprising the steps of:

(a) transferring a plurality of image files from the memory to the external device (Col. 6, Lines 5-12);

(b) accessing the set of image utilization fields (*The computer/server system must access the email address and other fields to send and store the images appropriately.*);

(c) modifying each transferred image file in accordance with the set of image utilization fields (Figure 5, *{If a voice message is checked, the images are modified in that a voice message will be attached with them.}*);

(d) storing the modified transferred image file in the external device (Figure 4F, To: "468").

Art Unit: 2622

The claim differs from Safai in that one of the set of image utilization fields is a resolution field, wherein the transferred image files are modified responsive to the resolution field.

In the same field of endeavor, Takahashi teaches a system wherein a digital camera is connected to a printer. The printer receives header data (*image utilization field*) of an image file, wherein the header data includes the resolution of image data within the file. Based on the image data resolution, the printer modifies (*responsive to the resolution*) received image data in accordance with a selected printing format for the image data (Figure 5; [0073] and [0074]). In light of the teaching of Takahashi, it would have been obvious to one of ordinary skill in the art to include the image resolution with the image file in Safai, because this would ensure printing of the entire desired image (see Takahashi, [0006]).

As to claim **22**, Safai, as modified by Takahashi, teaches the method according to claim 21 wherein the set of image utilization fields is stored on the external device (*It is inherent that the words gwang@photoaccess.com are stored in the external device of Safai.*).

As to claim **23**, Safai, as modified by Takahashi, teaches the method according to claim 21 further including the step of editing the customizable profile in the external device (see Takahashi, Figure 5, S10 Correction Processing).

As to claim **24**, Safai, as modified by Takahashi, teaches the method according to claim 21 wherein the image utilization fields include a deletion field and further including the step of deleting the transferred image files from the memory in accordance with the deletion field after storage of such image in the external device (see Safai, Figure 4F, Delete Pictures after Sending “474”).

Art Unit: 2622

As to claim **27**, Safai, as modified by Takahashi, teaches a computer program product comprising a computer storage medium storing a computer program having instructions therein for causing the external device to perform the method of claim 21 (see Safai, Col. 8, Lines 15-27).

As to claim **28**, the limitations of claim 27 can be found in claim 21 (a). Therefore, claim 27 is analyzed and rejected as previously discussed with respect to claim 21.

As to claim **32**, Safai teaches the method of claim 21 wherein the external device is a network service provider (see Safai, Col. 6, Lines 5-19).

2. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US # 6,175,003) in view of Takahashi (US 2005/0012941) and further in view of Roberts et al. (US # 6,496,222).

As to claim **25**, Safai, as modified by Takahashi, teaches a method according to claim 21. The claim differs from Safai, as modified by Takahashi, in that it requires the image utilization files include an image editing preference application software field designating a software application stored in the external device and further including the step of applying the designated user preferred application software to the modified transferred captured image.

In the same field of endeavor, Roberts et al. teaches an image utilization field which includes an image editing preference application software field designating a software application stored in the external device and further including the step of applying the designated user preferred application software to the modified transferred captured image (see Figure 14A, “APPLE V1”, “IBM V2”; Col. 12, Lines 16-35). In light of the teaching of Roberts et al., it

Art Unit: 2622

would have been obvious to one of ordinary skill in the art to include in the image utilization fields of Safai an image preference application software field. The modification of including a software application program field would allow the user to avoid erroneous image transfer due to incompatibility with the right software application program (see Roberts et al., Col. 12, Lines 37-42).

3. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over Safai (US # 6,175,003) in view of Takahashi (US 2005/0012941) and further in view of Kuba et al. (US # 5,806,572).

As to claim **31**, Safai, as modified by Takahashi, teaches the method of claim 21. The claim differs from Safai, as modified by Takahashi, in that it requires the set of utilization fields include a filename suffix or filename prefix appended to the camera filenames.

In the same field of endeavor, Kuba et al. teaches a filename suffix appended to the camera filename (see Figure 60, suffix "J6C"). In light of the teaching of Kuba et al., it would have been obvious to one of ordinary skill in the art to include a filename suffix appended to the names of the camera filenames of the image files of Safai. Such modifications would allow for the user to easily specify compression type; consequently, allowing for faster transmission of images.

### ***Conclusion***

Art Unit: 2622

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY J. DANIELS whose telephone number is (571)272-7362. The examiner can normally be reached on 8:00 A.M. - 5:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/ANTHONY J DANIELS/  
Primary Examiner, Art Unit 2622

6/8/2011